

First Named Inventor: Ellen O. Aeling

Application No.: 10/750,332

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REMARKS

This is in response to the final Office Action mailed on September 22, 2005, and to the Advisory Action mailed on January 6, 2006. In the final Office Action, all of the pending claims (1-27) were rejected. Specifically, claims 1-16 and 20-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Gehring et al. (U.S. Patent Application Publication No. 2002/0163722), and claims 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gehring et al. in view of Yamashita (EP Patent No. 0041390).

Telephone Interview Summary

The undersigned would like to thank the Examiner for the telephone interview conducted on February 1, 2006. In the interview, independent claims 1, 14 and 22 were discussed, as was the disclosure of Gehring et al. The Examiner suggested that certain amendments be made to claims 1 and 22 to clarify the recitation of the invention, and agreement was reached that the claims were not disclosed by Gehring et al. However, no formal agreement on the ultimate allowability of the claims was reached.

With this Amendment After Final, amendments have been made to claims 1, 7-9 and 22 in the manner suggested by the Examiner in the telephone interview.

Claims 1-13

Independent claim 1, as amended, recites a dual display system having first and second opposite sides that includes a perforated imaged film providing a first display on the first side of the dual display system in a first lighting condition, and a projection system providing a projected image, series of images or full motion video from the second side of the dual display system to provide a second display on the first side of the dual display system in a second lighting condition.

The Gehring et al. publication discloses a rear projection system having a projection screen that can be adhered to a window, in one embodiment. The rear projection system of Gehring

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et al. provides a projection from a second side of the screen to provide a display on a first side of the screen. However, the Gehring et al. publication does not disclose, teach or suggest a perforated imaged film that provides a first display on the first side of the screen, as recited in claim 1 of the instant application. The only display that is provided by the Gehring et al. system is provided by the projector (54); there is no additional display that can be provided other than the projected display.

The Examiner pointed to reference numeral 57 in FIG. 5 of the Gehring et al. publication to provide the "graphic article" element previously recited in claim 1. However, reference numeral 57 in FIG. 5 of the Gehring et al. publication refers to the information that is provided by the projector (54), not to a separate display (different from the projected display). See paragraph [0045] on page 3, which states:

The optical system 58 includes a screen 52 and projector 54. The projector 54 presents information 57, such as an image, to a viewer such as a potential customer 51. The image may be any suitable form of information such as data, video or graphics. (emphasis added)

Thus, reference numeral 57 does not refer to a graphic article or to a perforated imaged film as recited in claim 1, nor does any other disclosure, teaching or suggestion of the Gehring et al. publication. Because the Gehring et al. publication fails to disclose each and every element recited in claim 1, the rejection of claim 1 under 35 U.S.C. 102(b) should be withdrawn.

Claims 2 and 3 have been canceled without prejudice, thereby rendering moot their rejection.

Claims 4-13 depend from independent claim 1, and are allowable therewith. In addition, it is respectfully submitted that at least some of the combinations of features recited in claims 4-13 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

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Claims 14-21

Independent claim 14 recites a dual display article for attachment to a window substrate. The article includes a graphic article providing a first display viewable from a first direction in a high brightness condition, and a diffuser attached to the graphic article for receiving and displaying a projection from a second direction opposite the first direction to provide a second display viewable from the first direction in a low brightness condition.

As discussed above, the Gehring et al. publication discloses a rear projection system having a projection screen that can be adhered to a window, in one embodiment. However, the Gehring et al. publication does not disclose, teach or suggest a graphic article providing a different display in a high brightness condition, as recited in claim 14 of the instant application. The only display that is provided by the Gehring et al. system is provided by the projector (54); there is no additional display that can be provided other than the projected display.

The Examiner again pointed to reference numeral 57 in FIG. 5 of the Gehring et al. publication to provide the "graphic article" element recited in claim 14. As discussed above with respect to the rejection of claim 1, reference numeral 57 refers to the information provided by the projector (54), and does not refer to an additional display. Because the Gehring et al. publication fails to disclose each and every element recited in claim 14, the rejection of claim 14 under 35 U.S.C. 102(b) should be withdrawn.

Claims 15, 16, 20 and 21 depend from independent claim 14, and are allowable therewith. In addition, it is respectfully submitted that at least some of the combinations of features recited in claims 15, 16, 20 and 21 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

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Claims 22-27

Independent claim 22, as amended, recites a method of displaying multiple images in different lighting conditions. A perforated image film bearing a first display is attached to a first side of a transparent substrate, with the first display being visible by a viewer viewing from the first side in a first lighting condition. A diffuser screen is attached to a second side of the transparent substrate opposite the first side of the transparent substrate, and a second display is projected through the diffuser screen. The second display is viewable by a viewer viewing from the first side in a second lighting condition.

As discussed above with respect to the rejections of claims 1 and 14, the Gehring et al. publication discloses a rear projection system, but fails to disclose, teach or suggest a graphic article such as a perforated image film that provides an addition display visible in a particular lighting condition. Because the Gehring et al. publication fails to disclose each and every element recited in claim 22, the rejection of claim 22 under 35 U.S.C. 102(b) should be withdrawn.

Claims 23-27 depend from independent claim 22, and are allowable therewith. In addition, it is respectfully submitted that at least some of the combinations of features recited in claims 23-27 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

Claim Rejections – 35 U.S.C. 103

Claims 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Gehring et al. publication in view of Yamashita. Yamashita was cited as disclosing the ratios of aperture areas recited in claims 17-19. Although the Applicant does not agree that the aperture areas recited in claims 17-19 are disclosed by Yamashita, this point does not need to be discussed in detail because claims 17-19 depend from independent claim 14 and are allowable therewith. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

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CONCLUSION

In view of the foregoing, all pending claims 1 and 4-27 are in condition for allowance. A Notice to that effect is respectfully requested. Should the Examiner believe that any further amendments to the claims are necessary for allowance of the instant application, the Examiner is cordially invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
KINNEY & LANGE, P.A.

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